

Ch. Rogers 76

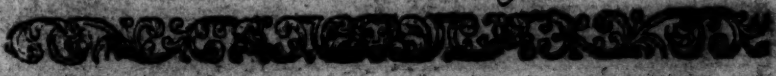
REFUTATION

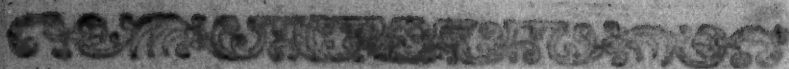
OF
Capt. CROOKSHANKS'S CHARGE

AGAINST

Admiral KNOWLES

1759.





A

REFUTATION

OF

Capt. BROOKSHANKS'S CHARGE

AGAINST

Admiral KNOWLES



A
REFUTATION
OF THE
CHARGE

BROUGHT AGAINST

Admiral KNOWLES;

In a late Pamphlet, intituled,

The CONDUCT and TREATMENT of
JOHN CROOKSHANKS, Esq; &c.



LONDON:

Printed for A. MILLAR in the Strand.

MDCC LIX.

A
REFUTATION

OF THE

CHARGE

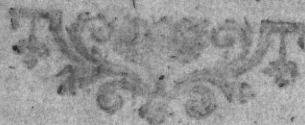
BROUGHT AGAINST

46
1
9
225
Admiral Knowles;



In a late

The Conduct of
JOHN CROOKSHANKS, Esq. &c.



LONDON:

Printed for A. MILLAR in the Strand.

MDCCLX.



REFUTATION
OF THE
CHARGE, &c.

THERE is nothing which the People of *England* are more justly tenacious of than their Liberties. Nor is there any Crime a Man can commit, which raises the Indignation of the Publick so much, and makes him so generally obnoxious, as an Attempt to subvert the Laws and Constitution in the Exertion of Power to the Oppression of any Man. Thousands feel and reflect how soon the Case may become their own: Hence Resentment is universally, and very often too hastily taken up on the slightest Accusation of this Crime. Nor do Prejudices always yield to the fullest

B Evi-

Evidence in Favour of the Accused. For this Reason, we may presume it is, that so many Men of considerable Rank, and whose Reputation have been dear to them, have chose to confide in Time, and their own Integrity, rather than endeavour to stem the Torrent of popular Clamour, however violent and undeserved. Indeed it is impossible to stop the Mouth of Malice and Defamation; which hath often been found an Over-match for the most perfect Virtue under Heaven.

Whatever Motives Captain *Crookbanks* might have had to bring a Charge against Mr. *Knowles*, above ten Years after the Affair which it relates to was transacted, yet it is certain, that the Admiral, for the Reasons above-mentioned, would have passed it over in Silence, with that Contempt which it deserves; if some of his Friends, who knew his Innocence, and to whose Opinion he pays great Regard, had not enjoined him to refute it. — Let the Reader therefore take the true State of the Case, relating to the Conduct and Treatment of Captain *Crookbanks*, as far as Admiral *Knowles* is concerned in either, from the following Facts.

At the Time when Mr. *Knowles* was governor of *Louisburg*, and Commander in chief of his Majesty's Ships in those Seas, he received a Letter by Lieutenant *Hughes* from Captain *Erskine*, complaining of the Conduct of Captain *Crookbanks*, sent in the *Montague Ordinance Tender*; a Copy of which is annexed N^o 1. and as soon as he had an Opportunity, he wrote a
Letter

Order N^o 2. to Captain *Crookbanks*, then at *Newfoundland*. The Commodore had already sent for the *Panther*, Captain *Wickham* from thence, and the *Forsey* and *Alborough* from *Boston*, to come and join him; but he wrote for Captain *Wickham* again after the Receipt of this Complaint. These Ships, with the *Canterbury* and *Norwich*, which he had with him at *Louisburgh*, would have furnished a sufficient Number of Captains to have composed a Court-Martial for the Trial of Captain *Crookbanks*. But none of these Ships arriving, and the Commodore having received his Majesty's Instructions to repair to *Boston*, which will be found in the Appendix N^o 3, and having also received Orders from the Lords of the Admiralty, (marked N^o 4.) to proceed to *Jamaica*, and take upon him the Command of the Squadron there on the Death of Vice-Admiral *Davies*, Mr. *Knowles* had no Opportunity of trying Captain *Crookbanks* at *Louisburgh*, as he intended. This Intention is verified by his Letter to the Admiralty in the Appendix N^o 5, in which he transmitted a Copy of Captain *Erskine's* Complaint against Captain *Crookbanks*, N^o 6. How far the Commodore "gave his Opinion of this Transaction," will appear likewise from that Letter; and if he really had wrote to the Duke of *Bedford* and Lord *Anson*, to prepossess them against Captain *Crookbanks* as he advances, there has been time enough in ten Years for the Captain to have obtained a Proof of such a Fact. It might have shewn a Partiality in Mr. *Knowles*; indeed, if it was true, but as Captain *Crookbanks* was not to be tried in *England*, nor by

the Commodore, not any Prepossession of those noble Persons, nor any Prejudice in Mr. Knowles, could have an Effect upon the Court-Martial who tried Captain Crookbanks at *Jamaica*.

In the Detail of his Treatment, so circumstantial and minute in other Particulars, Mr. Crookbanks has omitted (and very prudently) the Orders of the Admiralty for his being tried; which the Reader will find in Appendix N^o 7. This Order would have shook the Credit of his Assertion, since from thence it will appear, that not Mr. Knowles, but Lieutenant Matthew Moore was his Accuser; and the Date of the Order being the 15th of *Sept.* and the Commodore's Letter to the Admiralty, but the 31st of *August*, it was impossible for that to have reached them. The words indeed of the Order confirm the contrary: But the same Conveyance by which Captain Crookbanks sent his Letter to Mr. Legge, mentioned in page 29. of his Narrative, might carry Mr. Moore's Complaint against him to the Admiralty; and most probably did.

On the 17th of *Sept.* the Commodore sailed from *Louisburg*, and arrived at *Boston* the 2d of *October* following, where he was obliged to stay in the Execution of his Majesty's Orders, till the last Day of *November*, when he sailed with the Squadron for *Barbadoes*. But during the Time he lay at this Place, it must be observed, that he had no other Ships under his Command than the *Canterbury*, Captain *Erskine*, the *Warwick*, Captain *Taylor*, the *Fowey*, Captain *Innis*, the

the *Aldborough*, Captain *Darby*, and the *Lark* commanded by Order, during the Suspension of Captain *Crookbanks*, by Lieutenant *Hughes*. Here were therefore only three Captains who could properly sit upon a Court-Martial for the Trial of Captain *Crookbanks*; vide Appendix, N° 8.

On the 28th of *December*, the Commodore arrived with his Squadron at *Barbadoes*; where having staid two or three Days to water, he proceeded to join Captain *Pocock*, on whom the Command of the Squadron stationed at the *Leeward Islands*, was devolved by the Death of Commodore *Legg*: Having in his Way thither dispatched a Letter when he was off *Antigua* to the commanding Officer there by the *Aldborough*, to call in all the post Captains for the Trial of Captain *Crookbanks*. See Appendix, N° 9.

After looking into *Port-Royal Harbour* and *St. Pierre's* in *Martinico*, and viewing the Situation of the Enemy's Ships there, the Commodore ran down a few Leagues to Leeward to find Mr. *Pocock*, agreeable to the Rendezvous he had left behind him at *Barbadoes*, and on the 6th of *January* joined him. In his Way down he sent a Sloop before him with a Letter to Mr. *Pocock*, that he might be sure of joining him, advising him of his Intention to try Captain *Crookbanks*, N° 10. Having discovered that there were two Men of War, and some *East-India* Ships, sheltered under the Cannon of the Forts at *Martinico*; the Commodore held a Consultation

Consultation with Mr. *Pocock* and some of his Captains, about attacking these Ships, as well as about an Attempt upon the Island of *Granada*. But upon mature Deliberation these Designs were laid aside as too hazardous; as both the Squadrons might have been rendered useless. It was impossible therefore that Mr. *Knowles* could till now have brought Captain *Crookbanks* to his Trial, had his attention to this Affair been awakened never so much: And now it appears, that he was inclined to do it. The two squadrons did not meet till the 6th of *January*, and on the 7th, Captain *Crookbanks* acknowledges in his Narrative, he received Notice of Trial; though "in a very extraordinary and "laconic Epistle," he says, "from the pro-
"tempore Commander of the *Lark*. The Truth of the Matter is, the Commodore having signified his Intention to Mr. *Pocock* to order a Court Martial for the Trial of Captain *Crookbanks*, he directed Lieutenant *Hughes*, who commanded the *Lark*, to acquaint him with it; never ordering, nor suspecting as they were both together on board one Ship, that Lieutenant *Hughes* would write a Letter to him about it; and judging such a Message sent by a Lieutenant and protempore Captain of the Ship, to be no Indignity to Captain *Crookbanks*. But this is not the only Time that the Usage complained of from Lieutenant *Hughes*, is laid to the Charge of the Commodore.

On *Thursday* the same 7th of *January*, a signal was made for the Captains, and being all assembled

assembled on Board, Mr. Knowles sent for Captain *Crookbanks*, and desired to know when he should be ready for his Trial; and on the Captain's Reply, proposed *Saturday*; but recollecting that *Sunday* would intervene, should the Court last more than a Day, he said it would be best to defer it till *Monday*, to which Captain *Crookbanks* made no Objection. On *Monday* the Captains *Franchland*, *Broderick*, *Taylor*, *Cornwall*, *Swanton*, *Palliser*, *Piggatt*, and *Innis*, being assembled on Board, Mr. *Pocock* by a Signal from him, with whom the Commodore at that Time was, they represented the Inconvenience that would attend the holding the Court-Martial at Sea, in transporting the Evidences backwards and forwards from Ship to Ship, and other obstructions which might arise to his Majesty's Service.

The Commodore taking this into Consideration was of opinion, that it would be more convenient to postpone the Trial till he got into Port. Accordingly he sent for Captain *Crookbanks*, and acquainted him with this Resolution; and as Mr. *Pocock* intended sending the *Mary* Galley in a few Days to *England*, the Commodore wrote a Letter to the Board of Admiralty by her, in which he informed them of his having so done. See Appendix, N^o 11.

In the 55th, and some of the following Pages of his Narrative, Captain *Crookbanks* complains of the Remissness which had happened in not taking the Depositions; and says, "That the Want of them might have been prevented

" prevented, since they might have been taken
 " on his Arrival at *Louisburg*, or at any time
 " during ninety-three Days that the *Canterbury*,
 " *Warwick*, and *Lark* were in Company, from
 " their Arrival at *Boston* to their separating
 " from Mr. *Pocock*, and to which there was no
 " Impediment." If Captain *Crooksbanks* had
 understood the Nature and Usage of a Court-
 Martial, or if he had not intended to delude
 the Reader, we should have heard nothing of
 this Complaint. He would have known that
 the Affidavits, which might have been taken at
Louisburg or *Boston*, would have been useless, if
 the Court-Martial was not assembled at those
 Places; and that no Deposition can be legally
 read in Court, without the Parties are perso-
 nally present to swear it: For it is *vive voce* Evi-
 dence alone which can acquit or condemn the
 accused Person. Besides, if Mr. *Pocock* had
 held the Court-Martial with the Captains of
 his Squadron, they might not have appointed
 Mr. *Kirk* for the Judge-Advocate; and then
 none of the Depositions taken by him would
 have been valid. But all this Captain *Crook-*
sbanks either did not know, or was not willing
 that his Readers should; as it totally renders
 groundless the Complaints which are spread
 through several Pages against Mr. *Knowles*.

When the Commodore had distributed to
 Mr. *Pocock* and his Squadron what Stores he
 could spare, he left them, in order to proceed
 to *Jamaica*. In his Way he stopped at St.
Christopher's to water, and at St. *Eustacia* to
 gain Intelligence. He is very ready to own,
 and

and it will appear from the Relation which has now been given of the Manner in which he employed his Time and Attention hitherto for his Majesty's Service, that the Trial of Captain *Crookshanks* was only a secondary Consideration with him. Nevertheless, had he found Mr. *Pocock's* Squadron in Port at *Barbadoes*, or had he known his Design of going to an anchor at *Montserrat*, immediately upon their Separation, he is full as ready to own likewise, that he could have had no Excuse for not bringing Captain *Crookshanks* sooner to a Trial.

On the 28th of *January* the Commodore arrived at *Port-Royal* in *Jamaica*; where he found a Commission appointing him Rear-Admiral of the *White*, together with many Letters, Orders, and Instructions from the Lords of the Admiralty, relating to his Conduct in that Command. And although he had the State and Condition of the Ships of the Squadron he had just joined to enquire into, and many other Particulars relating to his Majesty's Service, as well as to peruse and answer his public Letters, the Packet being to sail in a Day or two: And though the Captains had been sitting a long time already on Captain *Mitchell's* Trial, which was but just finished as the Admiral came to an Anchor; yet, on the second Day after his Arrival, he gave orders to Captain *Dent* for assembling a Court-Martial on Captain *Crookshanks*;—and sooner it could not be done.

The holding the Court on Board the *Cornwall*, and not on Board the *Canterbury*, is made
C another

another Subject of Complaint against Mr. Knowles by Captain Crookbanks, who was thereby deprived, he says, of the Right of confronting his Adversary. Drowning Men, the Proverb says, will catch at a Straw to save themselves. If this was not Captain Crookbanks's Inducement for mentioning this slender Circumstance, he must persuade himself, to be sure, that the more Articles there were to fill up the Charge, the more heinous it would appear; and that if a great deal of dirt was thrown, some would certainly stick. To refute this Accusation however among the rest—futile as it is—the Reader must be told, that if the Admiral had been so complaisant as to quit his Ship, and give up his Cabin to hold the Court in, it would have been a Weakness for which he would have been justly blameable. For as the *Canterbury* was only a 60 Gun Ship, her Cabin was too small for the Purpose, and must have been very inconvenient by crowding the Members; whereas the *Cornwall* was a Ship of 80 Guns, and had a spacious Cabin. Besides, as Captain *Erskine* was confined to his Bed from a broken Arm the Day before, it was impossible for him to appear at the Court-Martial, whether it was held on Board one Ship or another. However, the Choice of the Ship was in the Breast of the President.

About 10 o'Clock the Court assembled on Board the *Cornwall*, and was composed of the following Members.

The holding the Court on Board the *Cornwall* is made another

Y B G I D

DIGBY DENY, Esq. PRESIDENT.

Captains, { *Rentons, Graves,*
Holmes, Andrews,
Taylor, Clarke,
Chadwick.

How many more were summoned does not appear; neither is it in the least material, as five Members are sufficient to constitute a Court. Nevertheless to satisfy the Public, to whom it is insinuated as an infamous Piece of Craft and Partiality in Admiral *Knowles*, that some other Captains were sent out of the Way, the State and Disposition of the Squadron, and a Letter from the Board of Admiralty, are laid before them, whereby they may judge of this Allegation. See Appendix, N^o 12, 13, 14.

Had not the Lords of the Admiralty sent this Letter to Mr. *Knowles*, it is to be presumed that his Knowledge of his Duty, as well as his Zeal for the Good of his Country, would have prompted him to dispatch the Ships of his Squadron out to Sea, in order to protect the Trade of his Majesty's Subjects, and annoy the Enemy, as expeditiously as possible. Therefore if he had sent away every other Ship and Vessel, but those of the five Captains necessary to compose the Court-Martial, he had done no more than his Duty; and for which he would have been commended, not blamed, by those who intrusted him with the Command. But two of those Captains, of whose Absence Captain *Crookshanks* complains,

complains, were at that time warm Friends to the Admiral: and surely if he had had any wicked Designs to pack a Court-Martial, he would not have sent those Gentlemen away, and left the Court to consist of Members, one of whom he had never seen, and with the rest had little or no Acquaintance, except the President and Captain *Taylor*. The Truth of the Matter was, that besides being the senior Captains, two of those Gentlemen's Ships were along side the Wharf, one absent at *Raitan*, and the others not ready for the Sea; as the State of the Squadron before referred to will prove.

Notwithstanding every thing was done that could be done, to bring on the Trial of Captain *Crookshanks*, yet if his Majesty's immediate Service had required it, and these Ships had also been ready, the Admiral acknowledges very frankly, that this Trial would still have been only a secondary Consideration with him, even for ninety-three days longer; as the Captain enjoyed the Air, and Liberty of the Shore when he desired it, and had never been a Moment under Confinement.

As to the Proceedings of the Court-Martial, whether regular or irregular, the Admiral apprehends it does not lie with him, either to vindicate, or condemn them. As little is he concerned with the Behaviour of the Judge-Advocate; who in that Capacity was an Instrument of the Court's, and as such, though the Admiral's Secretary, was liable to be dismissed by the Court at Pleasure. If his Behaviour therefore was so irregular and unjust as it has been represented, the

the Court-Martial must either have been supposed Tools to the Admiral to permit it, or totally ignorant of what they were about ; neither of which can be laid to their Charge :—

And therefore let those that will believe it. But if Captain *Crookshanks* had intended that the Public should been enabled to form a right Judgment of his Cause, he ought to have laid the whole Trial before them ; and not Particulars selected as he thought would best serve his Purpose. For if it is to the Tribunal of the Public that we are to appeal for Redress, we are religiously bound not to deceive them, but to give a plain Relation of all the Facts, without Omission or Disguise, from whence they may form a judgment.

The Day after the Court-Martial began to sit, Mr. *Knowles* went up to *Spanish-Town* to pay a Visit to Governor *Trelawney*, and to concert Measures with him for his Majesty's Service ; as will appear by an Extract of his Letter to Mr. *Corbett*, to be found in the Appendix N^o 14. The second Day after he returned again to *Port-Royal*, and finding the Court-Martial not finished, and that the utmost Dispatch was necessary to put the Fleet in a Condition to execute the Enterprize resolved upon between them, he sent for Mr. *Dent* to enquire if the Trial of Captain *Crookshanks* was near finishing. Being much surprized and uneasy at its taking up so much Time, it is probable that he did express his Desire to Mr. *Dent*, as the Narrative sets forth, “that Captain *Crookshanks* would shorten his Evidence ;” but then

then meaning only, as every body must imagine, with Relation to Numbers, upon one Fact. For it is impossible to suppose, that any President of a Court of Justice would be directed by an Admiral, or even by his Sovereign, to suppress Evidence upon a Fact which had not been already established, and which was absolutely necessary to his doing that Justice which his Oath required of him. The Law, and the Custom of the Courts at *Westminster*, require but the Testimony of two or three Witnesses to one Fact, and the same Law is to regulate the Proceedings at Courts-Martial. For if either civil or military Courts are to sit as long as the accused Person can find Evidence to be examined, not many Causes could be tried in a Twelvemonth, nor could the whole Time of the Judges, if they were to sit every Day, and all Day long, be sufficient for this Purpose. For an Exemplification of such a Proceeding in a Court-Martial, the Reader is referred to a remarkable Trial of two Admirals.

Amongst the Letters and Orders which Mr. *Knowles* received from the Board of Admiralty, when he arrived with his Squadron at *Jamaica*, was that Order for trying Captain *Crookshanks*, before referred to. But as Lieutenant *Moore*, the Gentleman mentioned in the Order, and who must have been the principal Prosecutor for the Crown, had been left on the *Antigua* Station, and could not be produced to support his Accusation, therefore the Court-Martial proceeded upon an Order issued by Admiral *Knowles*, and

and having spent the four first Days in examining Witnesses, Captain *Crookshanks* read his Answer to the Charge against him, as recited in the Narrative; with which Mr. *Knowles* has no Concern.

But perhaps it may be necessary to say something to that Complaint, which Captain *Crookshanks* has made of the Judge Advocate's refusing, by the Admiral's Orders, to give the Captain Copies of all the Affidavits that were taken previous to his Trial; by which Means, he says, "he was totally deprived of having recourse to the Depositions, and consequently of being able to examine them as he ought, that he might at his Trial detect and endeavour to confute whatever might be erroneously or willfully advanced to his Prejudice."

A Man must be ignorant indeed of the Laws of his Country, who can make such a Complaint, or who can listen to it to the Prejudice of Mr. *Knowles*. Does not Captain *Crookshanks*, does not every body know, that such a Proceeding is not allowable in any Court of Judicature in the Kingdom? And God be thanked, that it is not, or there would be no End to Perjury. It were to have been wished then that Captain *Crookshanks* had been a little more "enlightened in the Proceedings of civil and military Courts of Justice, before he had made this improper Request, or complained of the Admiral for refusing it.

The Commander in Chief was precluded from sitting at Courts-Martial, when Captain *Crookshanks*

Shanks was tried; and by the Act of Parliament, which has passed since, for regulating the Proceedings of Courts-Martial, the taking of preparatory Depositions are forbid; and the Wisdom of the Legislature is conspicuous in both these Particulars: By the first, the commanding Officer is prevented from packing a Court to his own Mind, could he have such wicked Intentions; by the second, the Prisoner is prevented from knowing the Evidence before it is deposed in open Court. However, before this Act was in Force, it may positively be asserted that Copies of the Depositions never were granted to the accused Person before Trial, unless with a wicked Intention; to prevent which, this Regulation was indubitably established.

Drawing up a String of Resolutions or Resolves, as the Captain calls them, is a modern Practice in Courts-Martial, and not authorized by any Law whatever. They may be useful for the Members, as Notes or Memorandums; but unless every Member was to be called before a Tribunal, to answer why they passed such a Sentence, and to shew upon what Proofs they founded their Determinations; these Resolutions are needless, and neither necessary nor required of them. Every Jury-man may as well be called upon to know the Reason he had for condemning any Man, with equal Propriety.

In the Proceedings at Courts-Martial, the Resolutions however are always wrote down previous to the Sentence, and then the whole is signed by the President, and each respective Member,

Member, according to Seniority; so that they cannot afterwards be altered without Erasure, and a manifest Detection of the Fraud. If these Things were not done in Captain *Crooksbank's* Court-Martial, it may be natural enough to ask, whose Fault it was; but the Reader cannot hesitate in answering, not Admiral *Knowles's*? He is ready to give all the Proofs the Fact admits of, that he never read any Part of the Proceedings of the Court-Martial, except the Sentence, but transmitted the whole to the Admiralty a few Days after the Trial, as appears by his Letter, Append. N^o 14. untill he read them in this Pamphlet published by Captain *Crooksbanks*. His Attention was closely employed in the Discharge of his Duty, to get the Squadron ready for the Services he was going upon, which required the utmost Diligence and Dispatch; otherwise Mr. *Knowles* could have made no Scruple of granting Copies of the whole Trial to Captain *Crooksbanks*, nor indeed to any one else that had asked it.

It remains yet to clear up some other Points, which though deferred to the last, yet in Respect of Time should have come first. It hath already been taken Notice of, that Admiral *Knowles* sent an Order to Captain *Crooksbanks*, as soon as Captain *Erskine's* Complaint had reached him, to come and join him from *Newfoundland*. On the Captain's Arrival at *Louisburg*, he waited upon Mr. *Knowles*, who in the Presence of Lieutenant-Governor *Hopson*, and several Sea and Land Officers, received him in the most civil and friendly manner. Indeed there never

had been any Reason for a different Behaviour towards him, since they had been Ship-Mates together on Board the *Torbay* with Sir *Charles Wager*, in the Year 1727; nor had Mr. *Knowles* ever had any Dispute or Disagreement with him in his Life. He readily gave Captain *Crookshanks* Leave to go on Shore at every Place the Ship came to, and never confined or imprisoned him one Moment, from the Day of his being dispossessed of the Command of the *Lark*, till the Day of his Trial. This Captain *Crookshanks* often acknowledged to several Persons, who are ready to attest it.

In regard to the malicious Reports spread at *Newfoundland* and *Boston*, of which Captain *Crookshanks* complains loudly, if these were not spread by any Persons in the Fleet under the Command of Mr. *Knowles*, nor represented to him by Captain *Crookshanks*, it was not in Mr. *Knowles*'s Power to silence or contradict them. It is true, that at *Louisburg* he was informed of many Disputes and Animosities between the Officers and Crews of the *Lark* and *Warwick*, relating to the Engagement with the *Glorioso*, and that quarrels certainly would ensue, if he did not put a Stop to them. Upon this he went on Board each of those Ships, and turning up all Hands, he told them, that he was satisfied Seamen never behaved ill, when they were properly led on; and that, though Captain *Crookshanks* was accused, yet till he was tried, and the Matter determined by a Court-Martial, if any Officer or private Man threw any Reflections, or entered into Quarrels about it, he would severely

severely punish them. Nay, he commanded the whole Ships Company of the *Lark*, before Captain *Crookbanks's* Face, to pay him the same Respect as ever in every thing, except in the Command of the Ship. If Mr. *Knowles* had not then had a personal Regard for Captain *Crookbanks*, the Reader will easily imagine that he would scarcely have given himself this Trouble, which no Duty of his Station required of him. Indeed Mr. *Knowles* never heard, till lately, that Captain *Crookbanks* found any Fault with his Treatment of any Sort, before his Trial; and then only on Account of his refusing to grant a Court-Martial upon Captain *Erskine*, against whom he then recriminated. But it was Mr. *Knowles's* firm Opinion at that Time, and it is his Opinion now, that it would have been both cruel and unjust to have tried Captain *Erskine* on any such Accusation; and in this Opinion he is sure he shall ever remain.

If Captain *Crookbanks* had at that Time thought Admiral *Knowles* his Enemy and Oppressor, is it to be believed, that, after the Court-Martial, he would have come to the Admiral to ask his Opinion of the Sentence? This Captain *Crookbanks* did, as he well knows: And he may also remember the Admiral's Answer was, that had all the Members of the Court-Martial been the Captain's own Brothers, they could not have passed a milder Sentence. And further, can it be supposed that Captain *Crookbanks* would, immediately upon this, desire—as he owns he did—to go a Volunteer in the Expedition with Mr. *Knowles*, if he had not had, in his own Mind, reason to hope for the Admiral's Favour?

As to what is said in the Narrative of the ungentle Behaviour of Lieutenant *Hughes*, or of his treating Captain *Crookshanks* with any Rigour, Mr. *Knowles* never authorized, and never will vindicate such a Proceeding. He disclaims it, as contrary to his Orders and Intentions. Captain *Crookshanks* having never made any Complaint of such Usage to him, it could not be expected that the Admiral should redress what he never knew.

The several weak and ridiculous Answers, pretended to be given by Mr. *Knowles* to the Letters and Messages of Captain *Crookshanks*, were they true, are not criminal; and scarce deserve Notice. They serve to exaggerate the ill Treatment he complains of, and to embellish his Narrative: So far they may be of Use to him, but can affect no body else. Many of them, indeed, carry their own Refutation along with them; such as the Story of Mr. *Knowles*'s foreseeing that Captain *Crookshanks* should want Captain *Chadwick*'s Clerk to write for him at his Trial, and preventing it, though he was that Day gone to *Spanish-Town* to Mr. *Trelawney*, as hath already appeared.

The Charge against the Admiralty, by Captain *Crookshanks*, does not lie with Mr. *Knowles* to answer: Yet he cannot close this Defence of himself without observing, that if the Reader will compare the Extracts of the several Letters annexed, with Mr. *Corbett*'s Letter to Captain *Crookshanks*, dated *Mar. 7, 1742*. Vid. Appendix N^o 17. he will be able to form an impartial Judgment of their Lordship's Equity, in their Answer

swer to his Complaint. This Letter evinces their Lordship's Intentions and Desire to come at Truth, and by comparing the Resolutions and the Sentence of the Court-Martial, to see if any irregular Proceedings had happened in the Course of the Trial. The same Disposition to Truth and Justice in their Lordships, would have led them to discover from Mr. *Knowles's* Letters, whether the Reasons he gave for not bringing Captain *Crookshanks* to his Trial sooner, were justifiable or not, and whether there had been any Act of Oppression. The Reader has now the same Opportunity. But it may not be improper for him to know, that during the Time which Captain *Crookshanks* has been applying for Redress, there have been five different Boards of Admiralty; and consequently, the Understanding, the Justice, and Honour of all the several Boards to which he applied, are equally arraigned in this Complaint.

Whether the malicious Insinuations contained in this Pamphlet, against the Admiral, the Court-Martial, the Deputy Judge Advocate, and all the Witnesses, shew the Innocence, or Resentment of Captain *Crookshanks* most, the Reader must now determine. Considering how much Mr. *Knowles* has been aspersed and misrepresented in it, if he had shewn some Asperity in his Reply, he could not surely have been censured for it. But this he chose to avoid, as well as any severe Remarks to which the Captain's Narrative, as an Officer, is justly liable. He forgives the Overflowings of his Disappointment and Vexation, and pities an unhappy Man, who has brought on his Ruin by his own Misconduct.

A P P E N -

APPENDIX.

N^o 1.

Copy of a Letter from Captain *Erskine* to Com-
modore *Knowles*.

S I R, *Warwick* at Sea, *July 24, 1747.*

HAVING this Opportunity I beg to
acquaint you of my being greatly in-
jured in my Masts, Yards, and Rigg-
ing by an Engagement I had with a *Spanish*
Ship of great Force; so that I fear I shall not
be able to make the Dispatch I wish for.

I shall only presume to say that after the *Lark*
began the Action, she quickly passed the Ene-
my, and never more returned. The *Warwick*
ply'd up to the Enemy, and after the Discharge
of two Broadides on different Tacks, we came
to a more close and determined Engagement,
which lasted near four Hours, until the *War-*
wick, by her Distresses, was rendered incapable
of either retreating or pursuing. The Enemy
taking this Advantage haul'd to the Northward
with what sail he could possibly make from us,
and with all his Masts standing.

Thus a most valuable Prize made her Escape
by the unparelled Backwardness of the *Lark*.
Mr. *Hughes*, if you require it, can give you a
more circumstantial Account. In the mean
time I shall draw up a regular Complaint against
Captain *Grooksbanks*, to be presented you on my
Arrival at *Louisburg*. I am, &c.

ROBERT ERSKINE,

To *Charles Knowles*, Esq, &c.

N^o 2.

N^o 2.

Copy of a Letter from Commodore Knowles to
Captain Crookshanks.

S I R, *Louisburg, August 15, 1747.*

I HAVE received your Letter of the 21st of
July, inclosing me a Copy of your Orders
from the Lords of the Admiralty: And, as I
have a Complaint against you, from Captain
Erskine, of his Majesty's Ship *Warwick*, for not
assisting him in an Engagement with a *Spanish*
Man of War, whereby he escaped; you are,
therefore, immediately, upon Receipt of this,
to repair here, and answer the same at a Court-
Martial; *which I truly wish you may be able to do.*

I am, S I R,

Your most humble Servant,

CHARLES KNOWLES.

To Captain Crookshanks.

N^o 3.

Extract of a Letter from his Grace the Duke
of *Newcastle* to Commodore Knowles.

Whitehall, May 30, 1747.

It is his Majesty's Pleasure
that Governor *Shirley* and you meet, and consi-
der what Number of *Americans* will be really
wanted for the Defence of *Nova Scotia*.—And
it

it is his Majesty's Intention that all the rest of the *Americans* should be discharged, except such few only as are found necessary for the before mentioned Service. — I am, &c.

HOLLES NEWCASTLE.

Received by the *Warwick*, Capt. *Erskine*.

N^o 4.

Extract of a Letter from Mr. Secretary *Corbett* to Commodore *Knowles*.

S I R, Admiralty-Office, June 5, 1747.

— I send you herewith their Lordship's Order for your repairing to *Jamaica*, and taking upon you the Command of his Majesty's Ships at that Place at the End of the Summer.

I am, &c. THOMAS CORBETT.

Received by the *Warwick*, Capt. *Erskine*.

N^o 5.

Extract of a Letter from Commodore *Knowles* to Mr. Secretary *Corbett*.

S I R, Louisburg, Aug. 31, 1747.

— By the *Warwick* which arrived here the 16th Instant, I received your Letter of the 5th of June, directing me to repair to *Jamaica*, &c. — I am sorry to tell their Lordships that the *Warwick* joined me in a most shattered disabled

disabled Condition, occasioned first by a smart Engagement she had with a large *Spanish* Ship of War, and next by a Storm of Wind, in which she lost her main and mizon Mast. Their Lordships will see, by the enclosed Complaint from Captain *Erskine*, that if he had been assisted by Captain *Crookshanks* of the *Lark*, they must have taken the Enemy's Ship. The *Lark* is not yet arrived, when she does their Lordships may depend upon the Matter's being strictly examined into. I am, &c.

CHARLES KNOWLES.

N^o 6.

Copy of a Complaint against Captain *Crookshanks*, Commander of his Majesty's Ship *Lark*, by Captain *Erskine* of the *Warwick*, delivered to *Charles Knowles*, Esq; Commander in Chief of his Majesty's Ships, &c. at *Louisburg*.

THAT, after the Chace of above forty Hours of a large Ship, which proved to be any Enemy, (in the Latitude of $40^{\circ} 38$, and Longitude from the Lizard $21^{\circ} 22$ W^t.) by his Majesty's Ship *Lark*, in Company with his Majesty's Ship *Warwick*, both Ships got abreast about a Mile of the said Chace. That his Majesty's Ship *Lark* began the Attack (but not in point-blank Shot) by discharge of her Larboard Broadside, and received the Enemy's Fire; but the *Warwick*, being judged at an improper Distance, did not Fire in passing; but after the Enemy was brought to, about four Points abaft the *War-*

E
wick's

wick's Beam, she tacked, and in ten Minutes came to close Engagement. But the *Lark* did not return to the Charge, in order to support the *Warwick* then engaging; which she might, and was her Duty: But, on the contrary, continued to run from the Enemy, and never returned to the Assistance of the *Warwick*, during any Part of her Engagement, which lasted from Eleven o'Clock at Night till Three in the Morning the 16th Instant, at which Time the Enemy made her Escape, by the Distress of the *Warwick* in her Sails, Rigging, and Masts, and by being abandoned by the *Lark*.

RORERT ERSKINE.

N^o 7.

By the Commissioners for executing the Office of Lord High Admiral of Great-Britain, Ireland, &c.

WHEREAS Lord Vere Beauclerk has laid before us a Letter he has received from Mr. Matthew Moore, who took his Passage to North-America in his Majesty's Ship *Warwick*, giving an Account that, on the 14th of July last, the said Ship and the *Lark* being near the western Islands, fell in with a Spanish Ship of War of 70 Guns, with which the *Warwick* came to an Engagement, but the *Lark*, after firing one Broadside within random Shot, ran away, and was not seen again till next Morning, when she did not pursue the Enemy. And whereas we think proper that the Affair should be strictly examined into, we send you herewith

Mr.

Mr. *Moore's* Letter aforementioned, and require and direct you to cause the Affair to be strictly enquired into at a Court-Martial, or in such Manner as you shall find requisite, and to transmit to us a particular and impartial Account how you find the same to be: For which this shall be your Warrant.

Given under our Hands 15th Sept. 1747.

To *Charles Knowles*, Esq;
Rear-Admiral of the
White Squadron of his
Majesty's Fleet at *Jamaica*.

VERE BEAUCLERK.

ANSON.

W. ELLIS.

By Command of their Lordships.

J. CLEVELAND.

N^o 8.

Extract of a Letter from *Commodore Knowles*
to Mr. Secretary *Corbett*.

Boston, Nov. 28, 1747.

— On Captain *Hore's* quitting, I removed Captain *Erskine* out of the *Warwick* into the *Canterbury*, and have now moved Captain *Taylor* out of the *Fowey* into the *Warwick*, and Captain *Innis* of the *Aldborough* into the *Fowey*, agreeable to their Seniorities and Inclinations, and given the Command of the *Aldborough* to Lieutenant *Darby*, my first Lieutenant, which I hope their Lordships will approve. —

Captain *Robertson* of the *Hind* Sloop having had his Trial, herewith I send you his Sentence. Captain *Crookshanks* must wait for his till our Arrival at the *Leeward* Islands, as there are not Captains enough here to try him, which as soon as over shall transmit you likewise. I am, &c.

C. KNOWLES.

N^o 9.

Copy of a Letter from Commodore *Knowles*, to the commanding Officer at *Antigua*, or the senior Officer there.

Canterbury at Sea, Lat. 18° 00.
S I R, Dec. 24th, 1747.

Captain *Crookshanks* of his Majesty's Ship the *Lark*, being under a Suspension for not assisting Captain *Erskine* in the *Warwick*, in an Engagement he had with a *Spanish* Man of War, which he met with in his Passage from *England*, and I intending to have him tried at *Antigua*, and you to preside at the Court-Martial: I desire you would therefore forthwith call in all your Cruisers, commanded by Post Captains, to compose the said Court-Martial, and remain with them in *English* Harbour till my Arrival.

I am, &c.

By the *Aldbrough*.

C. KNOWLES.

N^o 10.

Extract of a Letter from Commodore Knowles
to Mr. Pocock, commanding a Squadron of
his Majesty's Ships to Leeward of *Martinico*.

Canterbury, off *Martinique*, Jan. 3, 1747-8.

S I R,

I Wrote a Letter by the *Aldbrough* to the commanding Officer of the Squadron at *Antigua*, to call them into Port on Account of Captain *Crookshanks's* Trial; since which I have understood the Service you are upon, which as I would not interrupt, I am coming down to join you. I send Captain *Tindall* with this to stop you, lest you should be upon returning into Port agreeable to my former Letter.

I propose looking into *Port-Royal* To-morrow, and ranging down by *St. Pierre's*, after which, so long as Day-light continues, I shall stretch to the Northward, in order to make them believe I am going to *Antigua*; but in the Night I shall run off 8 or 10 Leagues to look for you. I therefore desire you will continue burning a false Fire every half Hour, that I may not miss of you.

C. KNOWLES.

N^o 11.

N^o 11.

Extract of a Letter from Commodore Knowles
to Mr. Secretary Cleveland.

Canterbury, old Road, St. Kitts, Jan. 18, 1747-8.

S I R,

— I acquainted their Lordships some Time ago, of my intending to have Captain *Crookbanks* tried as soon as I joined the Squadron here: But upon considering the holding it at Sea must be attended with great Inconveniency, in the present cruizing Station, I suspended that Resolution, and have deferred his Trial till I arrive at *Jamaica*, which I hope their Lordships will not disapprove. I am, &c.

C. KNOWLES.

N^o 12.

Extract of a Letter from Rear-Admiral Knowles
to Mr. Secretary Cleveland.

Canterbury in *Port-Royal* Harbour,
Jamaica, Jan. 30, 1747-8.

S I R,

THIS accompanies a Duplicate of my last, to which I refer you, and desire you'll please to acquaint their Lordships that I arrived here the 28th Instant, with his Majesty's Ships *Canterbury*, *Warwick*, and *Lark*; the *Fowey* and *Aldborough* I sent to *Cape François* — Agreeable to your Directions, on my Arrival here, I opened their Lordship's Packet of the
6th

6th of *June*, which was brought me by the *Warwick* to *Louisburg*, and shall punctually put in Execution the several Orders contained therein, as speedily as possible.—That which related to the Trial of Captain *Mitchell*, Captain *Dent* was complying with, for the Sentence was passing just as I came to an Anchor, and herewith I send it you. Captain *Crookshanks's* Trial I have ordered for *Monday* next.—I found all the Ships upon the Station in Port, both great and small, * which I am dispatching out as fast as possible.—They are most of them in a disabled, shattered Condition; the *Lenox* without any Masts, the *Enterprize* in the same Condition, the *Worcester* just got in new Masts, and along Side the Wharf, the *Plsmouth* leaky, and her Stern-Post rotten, the *Cornwall* complaining much, the *Elizabeth* just cleaned, but wanting a Main-Yard, the *Drake* along Side the Wharf, her Bottom very bad, the *Merlon* has several of her Top-Timbers broke, and complaining much, the *Strafford* fit for the Sea, but eleven Months foul, the *Rye* in the same Condition, the *Experiment* a fitting, having just got in a set of new Masts, the *Vulture* heaving down, and the *Weazle* just cleaned and fit for Sea; but all badly manned, and short of Compliment, as their Lordships will see by the inclosed State of the Squadron.†

By the *Faulkener* Packet.

C. KNOWLES.

* The *Milford* was at *Rattan*.

N^o 13.

Extract of a Letter from Rear-Admiral Knowles,
to Mr. Secretary Cleveland.

Canterbury, Jamaica Feb. 2, 1747-8.

S I R,

Since my last I have seen Governor
Frelawney, and upon discoursing together, find
him much of the same Sentiments with my-
self, in Regard to the Damage we may do the
Enemy in these Parts, &c.

C. KNOWLES.

Extract of a Letter from Rear-Admiral Knowles,
to Mr. Secretary Cleveland.

Centerbury, Port-Royal Harbour, Jamaica,
Feb. 12, 1747-8.

S I R,

THIS accompanies a Duplicate of my last,
since which Captain *Crookshanks* has been
tried, and herewith I send you his Sentence——
I have now the Pleasure to tell their Lordships,
that I have got all the Squadron ready for the
Sea, but the *Enterprize* and *Drake* Sloop; the
Rye I sent between the *Serranillas* and *Pedro*
Sboals, after a *French Mississippi* Ship I had Infor-
mation of——the *Weazle* went to see the Pac-
ket safe as far as Crooked-Island, and convoyed
five

five or six Merchant Ships, after which she is to cruize off St. Jago, and on the North Side this Island: The *Vulture* and *Vainqueur* are now cruizing there just cleaned, the *Biddeford*, *Fowey*, and *Aldbrough*, are gone off Cape François, and the *Merlin* is gone up to Windward of the Island in the Tract of the Trade, bound down here.

I shall sail myself To-morrow with the *Canterbury*, *Cornwall*, *Elizabeth*, *Lenox*, *Plymouth*, *Straford*, *Worcester*, and *Warwick*, &c.

C. KNOWLES.

Nº 15.

Extract of a Letter from Mr. Secretary Corbett, to Rear-Admiral Knowles, Dated Dec. 22, 1747.

S I R,

— Their Lordships are extremely incensed to receive such a strange Account from a commanding Officer of his Conduct, misapplying the Time of so considerable a Squadron of Ships in Port to wait on the Sickness of a mean Instrument; and using such trifling Methods to defer the holding the Court-Martial, that if he goes on with raising Difficulties of that kind, the Court-Martial may never come to an End, and in the mean Time, none of the Post Ships are to be suffered to go to Sea.

F

The

at The Folly as well as fatal Consequences of such Conduct, are so obvious and glaring, that their Lordships are impatient to hear of your Arrival at *Jamaica*, to take upon you the Command of the Squadron, and put an End to such ridiculous Proceedings.

Their Lordships indeed have, for some Time past, been so little satisfied with the Proceedings of those who have commanded at *Jamaica*, as to occasion their sending their Orders to you some Months ago to go there, not doubting ———

——— pursue proper Measures, and employ his Majesty's Ships effectually for his Majesty's Service, and the Protection of the Trade, &c.

THO. CORBETT.

N^o 16.

Extract of a Letter from Rear-Admiral Knowles to Mr. Secretary Cleveland.

Dated *Cornwall*, in *Port-Royal Harbour*, *Jamaica*, May 8, 1748.

SIR,

I have been much importuned by Captain *Crookshanks* to bring Captain *Erskine* to a Trial, but as I cannot think there is Subject-matter in his Complaint for holding a Court-Martial, and it appears to me to be only recriminating; I have declined doing it, and referred

ferred him to their Lordships. Copies of all his
Letters I here enclose you.—
Sent by the *Plymouth*.

CHARLES KNOWLES.

N^o 17.

Mr. Corbett's Letter to Captain Crookshanks.

Admiralty-Office, March 7, 1748-9.

S I R,

I HAVE read your Letter of the 31st of *January*, to the Lords Commissioners of the Admiralty, at a full Board, exclaiming against the unjust and wicked Proceedings of the Court-Martial, that was held upon you at *Jamaica*, to enquire into your Conduct, in the Engagement with the *Glorioso*, a *Spanish* Ship of War, by which you have received unparalleled Injuries and Wrongs; and repeating your Request to have Captain *Erskine* tried; and also to have an Opportunity to disculpate yourself, either before the same, or any other Court-Martial: And their Lordships having considered the same, as also the Minutes of the Court-Martial which was held upon you, and the Sentence thereof, they command me to acquaint you, that they can see no Inconsistency between their Resolutions and their Sentence; nor can discover any Absurdity or illegal Management, upon the Face of their Proceedings; and therefore, your Request, for a second Trial, is without Precedent, or Reason: And

And as your insisting on the Trial of Captain *Erskine*, and wondering that he did not solicit one for himself, their Lordships think it would have been an unnecessary Forwardness in him to have done so at *Jamaica*; and their Lordships do not find, that you applied to Rear-Admiral *Knowles*, to try Captain *Erskine*, till some Days after your own Trial was over.

I am, &c.

Signed,

THOMAS CORBETT.

To *John Crookshanks*, Esq;



